

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAN SAN FUNG,

Plaintiff,

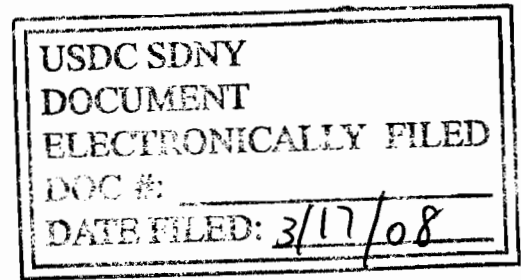
-against-

THE NEW YORK CITY POLICE DEPARTMENT, THE
CITY OF NEW YORK, DETECTIVE BENNIE VANCE,
(SHIELD NO. 0000), DETECTIVE "JOHN DOE" and
POLICE OFFICER "JANE DOE",

Defendants.
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**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

07 Civ. 8797 (AKH)



WHEREAS, plaintiff commenced this action by filing a complaint on or about October 12, 2007, alleging that defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff San San Fung Fifteen Thousand (\$15,000.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of these sums, plaintiff agrees to dismissal of all the claims against defendants and to release the defendants and any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability,

claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant

proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

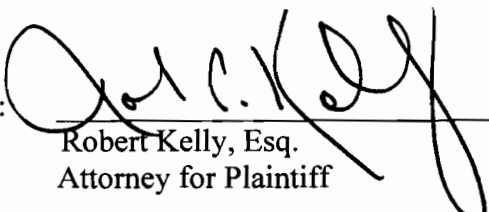
Dated: New York, New York
February 29, 2008

ROBERT KELLY, ESQ.
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Kelly & Rubin, LLP


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MICHAEL A. CARDOZO
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(212) 442-8248

By:



Robert Kelly, Esq.
Attorney for Plaintiff

By:


Mark D. Zuckerman
Senior Counsel

SO ORDERED:

3/17/08


U.S.D.J.